Attachment 1: Objectors and Interested Persons

The objectors and their objection tracking numbers are listed in the following table:

Objection Tracking No.	Lead Objector	Co-Objectors
0002	Nancy C. Merrill Director Idaho Department of Parks & Recreation	
0005	John B. O'Brien III	
0008	John Finney	
0010	Sandra F. Mitchell Public Lands Director Idaho State Snowmobile Association	
0011	Mike Nielsen Commissioner Bonner County Board of Commissioners	
0013	Brad Smith Conservation Associate Idaho Conservation League	
0014	Dan R. Dinning Chairman Boundary County Commissioners	LeAllen L. Pinkerton Walt Kirby
0018	Jennifer Fielder Montana State Senator	
0023	Jack A. Buell Chair Benewah County Commissioners	
0025	Michael Garrity Alliance for the Wild Rockies	Friends of the Clearwater Barry Rosenberg Sierra Club - Idaho Chapter and Upper Columbia River Group Paul Sieracki Kootenai Environmental Alliance Selkirk Conservation Alliance
0028	Greg Beardslee Montana Mountain Bike Alliance	Bob Allen

Objection Tracking No.	Lead Objector	Co-Objectors
0031	Kevin R. Colburn National Stewardship Director American Whitewater	
0033	John Latta Director Inland Northwest Backcountry Alliance	Winter Wildlands Alliance Montana Backcountry Alliance Spokane Mountaineers
0036	Gary Aitken, Jr. Chairman Kootenai Tribe of Idaho	
0042	Paul A. Turcke BlueRibbon Coalition	
0044	Shawn Keough Executive Director Associated Logging Contractors, Inc.	
0045	Mike Petersen The Lands Council	
0049	Peter Nelson Senior Policy Advisor for Federal Lands Defenders of Wildlife	
0052	Jerry Wandler Troy & Libby Snowmobile Clubs	
0054	Larry Yergler Chairman Shoshone Board of County Commissioners	
0062	Leslee Stanley	
0064	Robin Stanley Superintendent Mullan School District	William Woodford, Superintendent, Kellogg School District Bob Ranells, Superintendent, Wallace School District

Interested Persons

Interested Person	Representing
Gary Aitken Jr.	Kootenai Tribe of Idaho
Edward F. Anderson	
Joseph L. Anderson	
Shannon M. Anderson	
Shorty Arnzen	
Chris Asbury	Avery School District #394
Nancy Balance	
Gerald A. Bauch	
Charles D. Becker	
Bob Boeh	Idaho Forest Group
Ken Branstetler	
Jack A. Buell	County of Benewah
Bette Case	
Robert Case Jr.	
Robin S.Christian	
Dean Cooper	
Charles D.Corsi	Idaho Fish & Game
Joseph A. Coyle	
John Cuthbert	Wallace School District 393
Dan R. Dinning	Boundary County Commissioners
Larry E. Domingo	
James DuBuisson	
Phil Edholm	Lookout Pass Ski Area
Michael R. Feiler	
Jennifer Fielder	Montana State Senate District 7
Paul C. Fielder	
John Finney	
Lynda Fioravanti	
Don Fortier	
Linda S. Foss	Ravalli County
Michael Garrity	Alliance for the Wild Rockies
Debra A.Gibler	
Haley Gosline	
Sara Hall	Boundary County Citizen Lands Alliance
Rita Hall	
Peggi Harris	
Byron Hatton	
Cody Hayman	
Mike Hayman	
Dave Haynes	
Jann Higdem	
G.A. Hogamier	Shoshone County Sportsmen's Association
Gerald A. Hogamier	
Philip J.Hough	Friends of Scotchman Peaks Wilderness
Carol Jenkins	
Brieanne Jennings	
Cary Kelly	Bonner County Board of Commissioners
Joseph A. Kren	St. Maries Joint School District No. 41
Joseph Kuchera	
Don Lien	
Ryan Mann	
James R.Michael	
James R. Michaud	

Interested Person	Representing
David Miller	
Shelby R. Mitchell	
Debra A. Nelson	
Jay A. Nelson	
Dennis Norris	Central Shoshone County Water District
Molly O'Reilly	Kinnikinnick Native Plant Society
David Ortz	
Emily A. Osmun	
Kim Osmun	
Kyle Osmun	
Robert Osmun	
Tom Partin	American Forest Resource Council
Sandy Podsaid	
Anne Powell	
C.B. Reitz	
Sam Richardson	
Chuck Roady	Continental Lands, Inc.
Julie Robbins	
Del Rust	
James See	
Shawn Seubert	
Ben W. Sheppard	
Steve Sherich	Associated Logging Contractors, Inc.
Brad Smith	Idaho Conservation League
Robin Stanley	
Robin Stanley	Mullan School District 392
Rachel Stanley	
Ron Stoltz	Ravalli County
Dwight W. Suitter	
Thomas Taylor	
Margie Todd	Ridge River Realty
W. Todd Tondee	Kootenai County Commissioners
Fred C. Traxler	
Forest Van Dorn	
Angelo Ververis	
Dick L. Vester	City of Wallace
Sean West	
Ronald Willhite	
William Woodford	Kellogg School District
Linda Yergler	
Larry J. Yergler	County of Shoshone
Tracey Yost	
Carol Young	

Attachment 2: Issues Reviewed and Instructions Provided to the Responsible Official

A number of objection issues have been identified that provide opportunities to improve and strengthen the planning record. These issues are summarized under their general resource area and provide instruction to the Regional Forester and Idaho Panhandle National Forest.

Contents

Fire/Fuels

- *Objection Issue:*

Regarding indicator MON-FIRE-01-01, the objector contends the effectiveness of fuel treatments is not evaluated. (#0025, p. 65)

- *Response:*

The monitoring question (MON-FIRE-01: To what extent are management activities moving hazardous fuels towards desired conditions?) and the monitoring indicator (MON-FIRE-01-01: Acres of hazardous fuel treatments within the WUI, and in areas outside of the WUI) are appropriate monitoring items and are required items for upward reporting. As stated in Chapter 5 of the Revised Plan, the monitoring questions will be used to evaluate whether management is moving towards the desired conditions.

- The objector requests a measure of the effectiveness of fuel treatments, based upon quantitative objectives in the pre-treatment prescription.
- Clarify that the monitoring and evaluation report will address effectiveness and movement toward desired condition.

- *Instructions:*
  - Clarify in the record that the monitoring and evaluation report will address effectiveness and movement toward desired condition.

Planning

- *Objection Issue:*

The heading for "Goals" was omitted from p. 1 of the LMP. (#0025, p. 3)

- *Response:*

The objector is correct.

- *Instructions:*
  - Insert the word, "Goals," before the first indented paragraph under the title "Plan Elements" on p. 1 of the Revised Plan.

Recreation

- *Objection Issue:*

One objector contends, "Missing from the Idaho Panhandle Forest Plan FEIS is a comprehensive evaluation of bicycle use, its discrete impacts on the landscape and trails, and how elimination of bicycles in some areas may enhance the landscape and trails. NEPA analysis is absent, so no correlation is shown between bicycling as an activity and adverse impacts of the new prohibitive Recommended Wilderness restrictions. The lack of correlation will create an arbitrary and capricious Forest Plan. (#0028, p. 2)

Another objector contends that motorized, mechanical and snowmobiles are actually decreasing therefore having the forest claim the need to decrease access to protect wilderness values is not warranted. (#0002, p. 4)

- *Response:*

The IPNF manages for a spectrum of use across the national forest. The Revised Plan specifies that recommended wilderness is to be closed to motorized and mechanized use. Thus, over-snow vehicle use and mountain biking would not be allowed within recommended wilderness. These uses would be prohibited in recommended wilderness because they impact wilderness character and could lead to these areas no longer being suitable for wilderness designation. However, the other backcountry areas provide a range of quiet non-motorized and motorized opportunities, and allow these uses. Those acres allocated to primitive lands (MA1e) will allow winter motorized recreation (over-snow vehicle use) and mountain biking (draft ROD, p.19). Evidence of decreasing conforming uses does not remove the Responsible Official's discretion to determine

that current uses are impacting wilderness character, and that the best way to protect that wilderness character of recommended wilderness areas is to prohibit those uses. I find no violation of law, regulation or policy.

While forest plan decisions are generally programmatic, the IPNF included site-specific analysis to support the decision to restrict motorized and mechanized use in management areas allocated to recommended wilderness and research natural areas. The decision would authorize an accompanying closure order as per 36 CFR 261 Subpart B and aligns the allowed uses within the management area direction established in the Revised Plan as stated in the draft ROD on p. 5.

- *Instructions:*
    - Supplement the existing analysis with analysis of individual trails.
    - Review to assure that the site specific analysis addresses the minimization criteria described in the travel management regulation at 36 CFR 212.55, including user conflicts.

Soils

- *Objection Issue:*

Regarding Forest-wide desired condition FW-DC-SOIL-02, the objector contends "The meaning of the term "Managed areas" is unclear. The areal extent could be delineated as a certain area of a few square feet, a logging unit, a timber sale contract area, an entire watershed, or even a Ranger District." (#0025, p. 19)

- *Response:*

The desired condition in question states "Soil impacts are minimized. Managed areas that have incurred detrimental soil disturbance recover through natural processes and/or restoration treatments. Organic matter and woody debris, including tops, limbs, and fine woody debris, remain on site after vegetation treatments in sufficient quantities to maintain soil quality and to enhance soil development and fertility" (Revised Plan, p. 24).

No definition for "managed areas" was found, however the glossary for the Revised Plan does include the following applicable definition for "activity area":

> A land area affected by a management activity to which soil quality standards are applied. Activity areas include harvest units within timber sale areas, prescribed burn areas, recreation areas, and grazing areas or pastures within range allotments.

Revised Plan, p. 109

- *Instructions:*
    - Replace the term "managed area" in the desired condition with the term "activity area."

Timber

- *Objection Issue:*

The objector contends the economic impact disclosure presented in the Social and Economic Analysis on pp. 45-50 of the FEIS Appendix B is inaccurate with regard to future economic output levels/revenues, forecast for timber outputs on the IPNF. The objector notes the first paragraph on p. 20 of the draft ROD states that the average volume sold over the IPNF in 2008/2009 was 52.5 MMBF/year and that the second paragraph states that the Revised Plan provides for a predicted annual volume sold of 44.6 MMBF/year. The objector then questions that, given those numbers, what is the explanation for how the predicted output levels for saw timber on the IPNF FEIS Appendix B, p. 48, Table 21, will increase from the current level of 27,184 CCF to the predicted level of 83,849 CCF? (#0054, pp. 14, 19, 20, 21, 22)

- *Response:*

There appears to be confusion about the timber harvest level used to do the economic analysis. The FEIS explains in the timber section that the numbers displayed are timber sold while the economic section describes the numbers used for the jobs and income analysis are based on timber harvest. Page 631 of the FEIS describes the timber harvest levels used for the jobs and income analysis were from 2009 when the timber market was at a low level.

- *Instructions:*
  - Clarify in the record the use of timber sold versus timber harvested for these calculations.

Vegetation Management

Analysis

- *Objection Issue:*

The objector describes concerns with "gaps in explanations, questionable conclusions, and apparent discrepancies between the ERG Report and the Final EIS," and provides examples related to the level of seedling/sapling size class distribution, white bark pine regeneration, big game, fire effects, northern goshawk, flammulated owl and associated habitat issues. (#0036, pp. 2-4)

- *Response:*

It is beyond the capability of this review to research and respond to the examples provided by the objector, but it is clear the questions and inconsistencies exist as described. Given the heavy reliance on the ERG 2012 Report in the FEIS, it is very important that information in the FEIS aligns with the Report or, if and where it does not, an explanation is provided.

- *Instructions:*
  - Clarify in the record the "gaps in explanations, questionable conclusions, and apparent discrepancies" raised by the objector concerning the use of the ERG 2012 Report and its incorporation in the FEIS.

- *Objection Issue:*

An objector contends the FEIS acknowledges the negative effects of invasive plant species, yet does not disclose how the productivity of the IPNF been affected forest-wide due to noxious weed infestations, and how that situation is expected to change in the coming years and decades. The objector also contends there is no requirement in the Revised Plan to inventory acres of noxious plant species, only to account for acres treated, making it impossible to know if progress on reducing invasive species is being made. (#0045, pp. 13-14)

- *Response:*

The objector's concerns about inventorying and quantifying invasive species populations and impacts are valid and are consistent with FSM 2900 and Executive Order (E.O.) 13112, as well as other related program principles, requirements, and authorities. Without a fairly well quantified understanding of the extent and size of an invasive species threat, and the potential impacts to natural and cultural resources, it is nearly impossible to implement a sound integrated management program which exhibits high efficacy and efficiency rates. However, determining the change in productivity caused by the level of invasive species would provide relatively limited information for use in planning, prioritizing, and managing an invasive species infestation. Invasive species are by definition harmful and have not evolved in the ecosystems they invade.

The term 'monitoring' in the context of national invasive species management policy relates to the observation and quantification of treatment efficacy over a defined period, not in the same context as was used by the objector. Forests are required to monitor treatment efficacy under policy and other programmatic requirements and standards. Without monitoring a minimum required percentage of all treatments, Forests cannot claim treatment performance credits for restoration of priority areas. These performance standards and protocols for monitoring treatment efficacy have been in place at the direction of the Office of Management and Budget and the USDA Office of Inspector General.

In addition, the objector suggested analyzing treatment efficacy, treatment costs, and treatment opportunities, as a remedy to their concerns regarding productivity losses and inventories. Analyzing costs would provide little value to quantifying loss of forest productivity from noxious weeds, but would document project expenditures and help account for overall agency spending. Project and treatment costs vary widely, and can be affected by dozens of factors which are rarely stable. Under a unified funding approach, Forests utilize over 30 different funding sources against invasive species and each of these sources are relatively unreliable from year to year, or season to season. Costs also vary from program to program and from treatment to treatment, even on the same Forest, and can be difficult to quantify. Therefore, using costs to measure forest productivity changes or overall program effectiveness is not a reliable approach and will rarely provide the management team with an index of program success.

- *Instructions:*
    - Enhance documentation in the record concerning how the Forest's invasive species program will follow program requirements and standards, including but not limited to the

collection and recording of treatment efficacy. Specifically, enhance documentation to show the alignment of all program activities associated with invasive species with national policy (FSM 2900), and associated law, regulations, and the provisions of E.O. 13112 related to federal agency duties.

Desired Conditions

- *Objection Issue:*

An objector raises a series of contentions regarding desired conditions for vegetation, as follows:

"FW-DC-VEG-01. The desired ranges for dominance groups are not supported by reliable historic data taken from IPNF surveys or scientific research that we are aware of. The Forest Service has not explained how the effects of climate change and white pine blister rust affect the attainability of those desired ranges." (#0025, p. 4)

"FW-DC-VEG-02. The desired ranges for Size Class are not supported by reliable historic data taken from IPNF surveys or scientific research that we are aware of. The Forest Service has not explained how the effects of climate change and white pine blister rust affect the attainability of those desired ranges." (#0025, p. 5)

"FW-DC-VEG-03. The term "substantial amounts" is not defined. The desired "greater increase" related to the identified tree species is not supported by citation to specific reliable historic data taken from IPNF surveys or scientific research. The Forest Service has not explained how the effects of climate change and white pine blister rust affect the attainability of those increases." (#0025, p. 5) The objector questions why the FEIS discusses large and very large size classes separately but the Revised Plan lumps "large" with "very large" size classes even though the very large size class is a surrogate for old-growth in the FEIS.

"FW-DC-VEG-04. The implied assertion that trees are generally too dense on the IPNF is not supported by specific reliable historic data gathered from IPNF surveys or science that we are aware of. Utilizing this Element as Plan implementation direction would be ecologically damaging over much of the IPNF." (#0025, p. 6)

"FW-DC-VEG-11. The desired ranges for forest composition, structure, and pattern for each biophysical setting are not supported by reliable historic data taken from IPNF surveys or scientific research that we are aware of.

"…the Forest Service has not explained how the effects of climate change and white pine blister rust affect the attainability of those desired ranges.

"…At p. 13, the FEIS Appendix B describes a process from the 1990s that "completed assessments of landscape pattern." The FEIS does not cite the documents that represent this assessment of landscape patterns. " (#0025, p. 7)

- *Response:*

The FEIS on pp. 50-51 explains that an historic range of variability was developed to determine historic conditions and provide context for building the vegetation desired conditions for the

Revised Plan. Along with this explanation, the FEIS includes a lengthy list of data and information sources used for this analysis. No single source was relied on in an effort to avoid omissions and bias in the information. The historic range of variability for vegetation was then reviewed against what is currently known regarding climate change trends and found to be consistent with conditions that would improve resistance and resiliency under those projected trends. I find the information and methodology used for this analysis to be appropriate.

The FEIS, Appendix G, pp. 342-344, includes a lengthy response to several comments on climate change, its effects on forest resources and ecosystems, and how the Revised Plan takes those effects into consideration.

The objector is correct that the phrase in FS-DC-VEG-03 "substantial amounts" as it pertains to the representation of certain tree species found in old growth stands is not defined.

The objector questions why the FEIS discusses large and very large size classes separately but the Revised Plan lumps "large" with "very large" size classes even though the very large size class is a surrogate for old-growth in the FEIS. One of the remedies suggested by the objector is to adjust Desired Conditions for vegetation to include the additional size class "Very Large" or "old growth" that meets all LMP criteria. These differences are addressed in the FEIS on pp.75-83 and in Appendix G on pp. 466-468.

Instructions:

- Modify FW-DC-VEG-03 to change or clarify the term "substantial amounts," or provide clarification elsewhere in the Revised Plan.

Guidelines

- *Objection Issue:*

Regarding Forest-wide guideline FW-GDL-VEG-03, the objector contends the Forest Service does not cite the scientific basis for the minimum amounts of coarse woody debris to be retained and that the exception allowed where minimum amounts "are not available" could lead to a delay in the development of coarse woody debris in treated stands because of retaining too few snags or live replacement trees as recruitment.

The objector also questions the use of the word "should" and whether it is intended to render the entire guideline as discretionary. (#0025, p. 11)

- *Response:*

The review found the FEIS does discuss how the Forest arrived at its coarse woody debris determinations including the work of those informing the agency's decision.

Interpretive confusion is introduced by use of the phrase "minimum quantities listed in the table are not available for retention."

The word "should" provides intended flexibility when applying guidelines; yet that flexibility is not absolute. The Revised Plan explains that projects must be consistent with guidelines, where

consistency is achieved by the project either being in accordance with the guideline or the project design varies from the guideline but is as effective in meeting the intent or achieving the purpose of the guideline. Project documentation must describe and explain any variance from LMP guidelines. Revised Plan, pp. 3-4.

- *Instructions:*
  - Clarify in the record the intent of FW-GDL-VEG-03.

- *Objection Issue:*

Regarding Forest-wide guideline FW-GDL-VEG-04, the objector contends the following:

> The Forest Service does not cite the scientific basis for the minimum amounts of snags to be retained under this Guideline. The scientific basis for the delineation of snags into two diameter groups using 15" d.b.h. as the division point is not disclosed.
>
> The Draft Plan's use of only two size classes of snags and live tree recruitment threatens more widespread loss of diversity and vital structures for wildlife.
>
> The Guideline also does not utilize science which recognizes that western larch and other tree species are disproportionately important in providing cavity habitat for wildlife.
>
> The Guideline does not specify the area over which "per acre" is to be applied. It is unclear if the use of the word "should" is intended to recognize the second consistency requirement on page 4 of the LMP, or if it is intended to render the entire Guideline to be discretionary, as courts have interpreted "should."
>
> The exception allowed where minimum amounts "are not present" could lead to a delay in the development of snags in treated stands because of retaining too few live replacement trees as recruitment. (#0025, p. 11)

- *Response:*

The FEIS does discuss how the Forest arrived at its snag determinations including the work of those informing the agency's decision. See FEIS, pp. 83-86.

In its description of the process used to determine historic snag densities and evaluate them against current conditions, the results are displayed in 3 size classes—10+, 15+, and 20+ inches. See FEIS, pp. 84-85. The narrative explains that the snag densities displayed were used as the desired amounts in the Revised Plan, yet those amounts in the respective desired condition FW-DC-VEG-07 and the guideline FW-GDL-VEG-04 only provide for the 15+ and 20+ size classes. Species abundance and distribution are based on the presence of a diversity of habitats including very large trees. Should specific habitats be reduced to unnaturally low levels, or pattern of representation on the landscape changed, then diversity may be affected. The guideline as written could permit further reduction of scarce resources.

The objector referred to pileated woodpecker viability as a specific reason the guideline should explicitly provide for the retention of all larger size class (30+ inches) snags or live trees needed

for snag recruitment. As noted in the FEIS, Appendix G, p. 495, the ERG 2012 Report analysis concluded that pileated woodpecker habitat is above the historic range of variability and is projected to remain so for the next 50 years under the management direction of the Revised Plan. Therefore, it is not necessary that snag retention and recruitment direction in the Revised Plan single out larger size classes for the purpose of assuring the viability of pileated woodpecker.

The guideline is clear that the "per acre" ranges apply to areas where vegetation management activities occur.

The word 'generally,' like the word 'should,' provides flexibility for management to remove trees of all sizes. When placed together, they imply a more flexible intent than if either word stood alone. The condition of the landscape determines if the resource is within or outside its HRV. If within the HRV, management may not be needed. An excess of large trees may provide a harvestable surplus and a guideline with management flexibility would be beneficial.

The word "should" provides intended flexibility when applying guidelines; yet that flexibility is not absolute. The Revised Plan explains that projects must be consistent with guidelines, where consistency is achieved by the project either being in accordance with the guideline or the project design varies from the guideline but is as effective in meeting the intent or achieving the purpose of the guideline. Project documentation must describe and explain any variance from LMP guidelines. Revised Plan, pp. 3-4.

The phrase "instances where the minimum numbers are not present prior to the management activities" is clearly intended to acknowledge that snags and live snag recruitment trees cannot be retained when they don't currently exist. The intent of the guideline is to retain large snags, or large live trees that will become snags in the future when snags are lacking on the site.

- *Instructions:*
    - Add the 10+ inch size class for snags to the tables displayed in FW-DC-VEG-07 and FW-GDL-VEG-04, or provide an explanation for why it is not necessary.
    - Delete the word "generally" from the guideline or modify it to state "when large diameter trees are rare across the landscape, all will be left."

- *Objection Issue:*

Regarding Forest-wide guideline FW-GDL-VEG-05, the objector contends "the 'fire salvage' provision for using untreated areas to meet snag requirement would lead to insufficient retention in logged areas." (#0025, p. 12)

- *Response:*

The guideline reads as follows:

> Where vegetation management activities occur and snags (or live trees for future snags) are retained, the following direction should be followed:
>
> • Group snags where possible;

> • Retain snags far enough away from roads or other areas open to public access to reduce the potential for removal (generally more than 150 feet);
>
> • Emphasize retention of the largest snags and live trees as well as those species that tend to be the most persistent, such as ponderosa pine, larch, and cedar;
>
> • Favor snags or live trees with existing cavities or evidence of use by woodpeckers or other wildlife; and
>
> • In fire salvage areas, untreated areas may be used to meet the snag density difference if persistent snags are not available for retention in treatment units.

It is not clear what is meant by "untreated areas" or "treatment" areas.

- *Instructions:*
  - Either delete the last bullet in the guideline or modify it to clearly reflect a restoration objective of retaining the pattern of snag availability across the landscape to meet the diversity requirement of NFMA.

Monitoring

- *Objection Issue:*

The objector raises several concerns regarding the strictly quantitative nature of several monitoring indicators for vegetation, as follows:

> Regarding MON-VEG-01-02, the objector contends it "merely reports on acres burned, and lacks any qualitative component. Forty acres of a timber unit that was burned badly during slash reduction would be equal to 40 acres that was prescribed burned and met all silvicultural, fuel reduction, and wildlife objectives." (#0025, p. 63)
>
> Regarding MON-VEG-01-06, the objector contends the indicator "is obscure, since annually determining old-growth acres "treated" would reveal nothing about the outcome—positive or negative—of those treatments." (#0025, p. 64)
>
> Regarding MON-VEG-01-07, the objector contends it "is a measure of the numbers of dead trees per acre on the IPNF and itself lacks any relevance to resources." (#0025, p. 64)

- *Response:*

The objector is correct that the Revised Plan does not directly address the issue of qualitatively assessing the effectiveness of all burning activity relating to achieving management activities and natural disturbance processes trending toward desired conditions in MON-VEG-01. However, the monitoring question for MON-VEG-01 encompasses the effect of management activities and natural disturbance processes as they contribute to a trend toward desired conditions for vegetation. Indicator MON-VEG-01-01 somewhat addresses this question as it pertains to treated acres, but MON-VEG-01-02 provides only a quantitative measure of acres burned with no indication of how those acres are or are not contributing to desired conditions for vegetation. This will occur through the evaluation.

The indicator of "Acres of old growth treated" for MON-VEG-01-06 similarly lacks any clear indication of how it would contribute information useful for assessing trends toward desired conditions for vegetation. This will occur through the evaluation.

The objector is also correct regarding MON-VEG-01-07. Relevant monitoring includes size class abundance and distribution, or snag size statistics, per ecosystem type. This type of data provides managers with useful results that can be used to adjust management activities to sustain the resource on the unit, in particular the large snag component that is so valuable to wildlife. The effectiveness of this indicator will be addressed through the evaluation.

As stated in Chapter 5 of the Revised Plan, the monitoring questions will be used to evaluate whether management is moving towards the desired conditions. The evaluation of the monitoring indicators will show the effectiveness of management to move vegetation towards desired condition.

- *Instructions:*
    - Clarify in the record that the monitoring and evaluation report will address effectiveness and movement toward desired condition.

- *Objection Issue:*

Regarding the indicator for MON-VEG-02-01, the objector contends "The logic behind Indicator is obscure, since annually determining acres of noxious weeds 'treated' might reveal nothing about the effectiveness of those treatments." Similarly, the objector also contends "The logic behind Indicator MON-VEG-02-02 is obscure. The definition of a 'site of new non-native invasive plant species' is not given. A 'site' could be as small as single Russian thistle on the shore of Priest Lake, or as large as the new occurrence of 100,000 hawkweed plants in the Lakeview-Reeder timber sale contract area." (#0025, p. 65)

- *Response:*

Concerns about the lack of documentation of monitoring for treatment efficacy are valid, and are consistent with Forest Service policy requirements in FSM 2900, Direction from the Office of Management and Budget related to Performance Accountability, and the Recommendations the USDA Inspector General's Audit Agreement (08601-7-AT) related to invasive species inventory, risk determination, and monitoring of treatment efficacy. Field-level managers use treatment efficacy data for a wide variety of purposes, not the least of which would be for an adaptive management approach over the long term.

The Forest is required under policy and other program requirements to collect and record the required tabular and spatial information associated with all survey, inventory, and treatment activities in the national database of record. Within this Natural Resource Management data set, Forests are required to monitor all treatment activities for treatment efficacy and use an adaptive management approach to increase management effectiveness against targeted invasive species in priority aquatic and terrestrial areas of the Forest. These policy and program requirements associated with surveys, inventories and treatments stem from a wide range of federal authorities

and apply to all terrestrial and aquatic invasive species (plants, pathogens, vertebrates, invertebrates, fungi, etc.).

Documentation is unclear on the value of tracking invasive species by site and how a site is defined. Concerns about the lack of a clear definition for the term "site", within the context of monitoring for the number of new "sites" of invasive plant species are also valid. There would be significantly different consequences and management responses depending on the way a "new site" was measured/quantified, and in either case the temporal aspects of the infestation must be a major component of the risk assessment. From an EDRR (Early Detection and Rapid Response) approach it is critical for the implementation of the Revised Plan to meet the objectives and related policy requirements in FSM 2900 to improve efficiency. The FEIS pointed to the previous direction located at FSM 2080, which was replaced by FSM 2900 between the draft and final EIS. A correction in the FEIS to acknowledge the new direction contained in FSM 2900, which contains an all taxa approach, needs to be documented.

Counting sites would not be in alignment with policy or other program protocols or performance requirements. Clarification of the utility of tracking sites should be provided or the reference to tracking sites should be removed.

The Revised Plan does imply that a site is measured in acres. There are already established standards, requirements and protocols related to documenting both the spatial extent of a targeted infestation (in acres) and the spatial extent of the priority area treated.

The documents also confuse invasive species and noxious weed terminology, in some cases using these terms improperly, or interchangeably. This mis-alignment with the definitions in law, Executive Order, and policy, can significantly affect how field personnel set invasive species priorities and could create wide variations in program management across multiple scales. FSM 2900 provides definitions which will clarify terms and provide consistent approaches, in part by defining "Priority Area Treated". In addition, there are detailed invasive species program management standards, requirements, and record-keeping protocols related to defining the spatial extent of infestations and treated areas. FSM 2900 requires the Forest to follow these established requirements, standards, protocols, and related rules.

As stated in Chapter 5 of the Revised Plan, the monitoring questions will be used to evaluate whether management is moving towards the desired conditions. The evaluation of the monitoring indicators will show the effectiveness of treatments in moving towards desired conditions.

- *Instructions:*
    - Enhance documentation for how the invasive species program will follow program requirements and standards, including but not limited to the collection and recording of treatment efficacy. Specifically, enhance documentation to show the alignment of all program activities associated with invasive species with national policy (FSM 2900), and associated law, regulations, and the provisions of E.O. 13112 related to federal agency duties.

- Clarify in the record that the utility of tracking sites does not apply to all invasive species infestations, but can be used in certain early detection and rapid response situations. If the utility of counting sites cannot be clarified, the reference to tracking sites should be removed.
- Clarify in the record that the Forest, through compliance with law, regulation, and policy, will take an all-taxa approach to invasive species management rather than the more narrow focus on regulated noxious weeds.

Watersheds

- *Objection Issue:*

The objector contends the Forest Service disregarded the Sierra Club's comments pertaining to mine waste pollution and the potential for recontamination resulting from flooding caused by hydrologic changes originating on the IPNF. (#0025, pp. 16-17)

- *Response:*

These site-specific effects are best addressed at the project level.

A response to this topic is found in the FEIS, Appendix G, p. 390, as follows:

> **Public Comment 900:** (Letter Number(s): 178 and 248)
>
> The Forest Service should consider the Coeur d'Alene Superfund cleanup and the role of forest damage in moving mine waste pollution downstream into population centers. Priority must be given to restoring cutover watersheds on the national forest, which are aggravating toxic floods.
>
> **Response:**
>
> The superfund team is only in the planning phase of Coeur d'Alene Superfund cleanup and does not currently have a mechanism for prioritizing areas. The superfund cleanup has been added to the cumulative effects in the FEIS.

- *Instructions:*
  - Clarify in the record that mine waste pollution and the potential for recontamination resulting from flooding caused by hydrologic changes are best addressed at project level analyses.

- *Objection Issue:*

Regarding Forest-wide guideline FW-GDL-WTR-02, the objector contends the meaning of "hydrologic stability" is unclear. (#0025, p. 19)

- *Response:*

The guideline reads, "In order to avoid future risks to watershed condition, ensure hydrologic stability when decommissioning or storing roads or trails." Revised Plan, p. 23. The term is not found elsewhere in the Revised Plan. The direction in the guideline would be improved if the Revised Plan made clear what is intended in the way of hydrologic stability.

- *Instructions:*
  - Add a definition for hydrologic stability to the Revised Plan's glossary.

- *Objection Issue:*

The objector contends the FEIS does not disclose when the ECA [Equivalent Clearcut Area] component of the WATSED model was last calibrated, updated, and validated on the IPNF. The objector further contends there is no mention of locally calibrated coefficients being updated that are used as part of the ECA recovery factors shown in Table 211 and there is no mention of any locally calibrated coefficients being updated as part of the development of an ECA recovery factor by year. (#0025, p. 28)

- *Response:*

Appendix D addresses the specifics of this issue but it could be clearer that the WATSED model itself was not used in the analysis.

- *Instructions:*

Clarify in the record that the coefficients from WATSED were used in the analysis and not the model itself.

Wild and Scenic Rivers

- *Objection Issue:*

The objector contends the IPNF violated Forest Service and Interagency policy, as well as the APA, by asserting the streams recommended by the public are ineligible because there are too many of them. The objector also contends the IPNF violated Forest Service and Interagency policy by reasoning that rivers are ineligible because they are not rare, unique, or exemplary at the Forest scale. The objector states, "Conducting eligibility inventories at the Forest scale clearly obscures the national conservation value of rivers, and leaves rivers unprotected that legally fall under the WSRA mandate." (#0031, pp. 7-8 and 5-7)

- *Response:*

"To be eligible for inclusion [in the National Wild and Scenic Rivers System], a river must be free-flowing and, with its adjacent land area, possess one or more "outstandingly remarkable" values [(ORVs)]." FSH 1909.12, 82.1; see also Wild and Scenic River Act §2(b). FSH 1909.12, 82.14 provides further direction on ORV identification:

> In order to be assessed as outstandingly remarkable, a river-related value must be a unique, rare, or exemplary feature that is significant at a comparative regional or national scale. A river-related value would be a *conspicuous example of that value from among a number of similar examples that are themselves uncommon or extraordinary.* The interdisciplinary team must identify the area of consideration that will serve as the basis for meaningful comparative analysis. *This area of consideration is not fixed; it may be a national forest, grassland, prairie, or comparable administrative unit*, a portion of a state, or an appropriately scaled physiographic or hydrologic unit. Once the area of consideration is identified, a river's values can then be analyzed in comparison with other rivers. (emphasis added)

The Interagency Wild and Scenic River Coordinating Council elaborates further on the ORV identification process in its "Wild and Scenic River Study Process" white paper, p. 12: "The area, region or scale of comparison is not fixed, and should be defined as that which serves as a basis for meaningful comparative analysis; it may vary depending on the value being considered. Typically, a "region" is defined on the scale of an administrative unit, a portion of a state, or an appropriately scaled physiographic or hydrologic unit."

Further, Region 1 also provided a recommended approach in the "Final Consistency Paper, Wild and Scenic Rivers Assessment," p. 1: "For the purpose of this forest planning effort, using either the forest or planning zone is acceptable."

Given the preponderance of rivers and creeks with river-related values throughout the Northern Region and the northwest portion of the U.S., the IPNF chose the individual forest as the basis for comparison. Identification of ORVs is a professional judgment that the IPNF resource specialists completed comparisons based on-the-ground knowledge. As stated in FEIS Appendix E, p. 217, the IPNF determined that, "[t]he comparative scale used for this assessment is the individual Forest. That is, the rivers and streams on the IPNF were compared one to another."

Thus, the IPNF was consistent with national, regional, and interagency policy on the scale of consideration of outstanding remarkable values. Further, because determining river values that are "conspicuous example[s]" at the comparative scale is a part of the ORV determination process, the IPNF appropriately factored in the number of other rivers with similar values as part of this process.

The above findings notwithstanding, some instances were found in the FEIS where references were made to rivers on neighboring Forests in the Region. These references introduce some confusion as to what scale of comparison is being applied.

- *Instructions:*
    - Remove any reference to rivers on other neighboring Forests in the Region, as it should not factor into the ORV analysis. If the existence of other designated or eligible WSRs in the Region impacted it's analysis and deterred ORV findings for rivers on the forest, redo the analysis so that only river values on the Forest are considered.
    - Clarify the wording in the FEIS as necessary to ensure that wherever "rare, unique, or exemplary" is mentioned, it is used to describe "values," not "rivers." For example, FEIS

> p. 31 currently states, "The additional streams and rivers are not rare, unique, or exemplary when considered on a forest or regional basis." This sentence should be modified to state, "The additional streams and rivers do not have values that are rare, unique, or exemplary when considered on a forest or regional basis."

- *Objection Issue:*

The objector contends**,** "...Regarding the wild river status of the St. Joe, the LMP erroneously alleges that lodges on public land are consistent with wild river status (p. 65). The same page is misleading and dishonest in that it is trying to conflate historic preservation with recreational lodges. The courts have clearly ruled otherwise on a similar case along the Salmon Wild River in *Wilderness Watch v. US Forest Service*." (#0025, pp. 56-58)

- *Response:*

The IPNF provided the following relevant response in FEIS Appendix G, p. 380: "Management uses within the designated river are described in the St. Joe W&SR Development and Management Plan. Allowable uses vary by the classification as wild, scenic, or recreational. The standards and guidelines for MA2a and MA2b describe the uses that are allowed. These standards and guidelines are consistent with Forest Service manual direction (FSM 2354.4)."

The 1982 Interagency guidelines for WSR classification and General Management Principles also describe the standard for structures and facilities in designated WSR wild corridors: "The existence of a few inconspicuous structures, particularly those of historic or cultural value…need not bar wild classification." 47 Fed. Reg. 39458-58.

The St. Joe Lodge existed prior to the river's designation as a WSR. A description of the lodge and relevant management direction at the time of congressional designation is provided in the 1978 St. Joe Wild & Scenic River Land & Development Plan, p. 58:

> SITUATION - WILD RIVER
> The St. Joe Lodge has a special use permit for a rustic, pack-in resort operation located six miles upstream of Spruce Tree Campground. The current special use permit is valid through December 31, 1980, and can be extended at the request of the permittee. The St. Joe Lodge is a collection of small, rustic structures. There is a main lodge building, two small bunkhouses, a grain shed, wash house, two pit toilets and a generator house. Access to the lodge is usually by the St. Joe River Trail No. 48 from the trailhead facility at Line Creek Flat. The lodge is used by fishermen during the summer months and hunters during the fall. The majority of the use occurs during the fall hunting season. Public comment at the congressional hearing held at Wallace, Idaho, on August 28, 1978, supported continued operation of the St. Joe Lodge.
>
> ASSUMPTIONS - WILD RIVER
> The St. Joe Lodge offers a unique recreation experience by providing rustic lodge-type, pack-in recreation. Additional buildings or structures are inconsistent with Wild River classification.

> MANAGEMENT DIRECTION - WILD RIVER
> Review the St. Joe Lodge special use permit prior to time of renewal or revision of the river management plan to insure operation within the river management plan guidelines.

When considering this information about the St. Joe Lodge within the context of the previously stated guidelines on WSR classification and management, the IPNF provide appropriate MA2a management direction (see Revised Plan p.55), as the St. Joe Lodge is an example of a collection of structures that may exist in a wild WSR corridor.

- *Instructions:*
  - Insert a specific cite to the above St. Joe WSR Plan excerpt when mentioning the St. Joe Lodge in the record.
  - Add available existing information to the record regarding reviews of the St. Joe Lodge special use permit that have taken place to ensure the lodge is operating within St. Joe WSR Plan guidelines, consistent with WSR wild classification.
  - Make the St. Joe WSR Plan more readily available (e.g., post on Forest website or rivers.gov) so the public can further understand the rational for MA2a direction on the St Joe WSR, as well as the history of the St. Joe Lodge.

Wilderness

- *Objection Issue:*

An objector contends the following:

- FEIS fails to take the requisite "hard look" at the effects of the Revised LMP to an existing recommended wilderness area. Restrictions were implemented in the Selkirk RWA to protect threatened and endangered wildlife, placing area off limits to snowmobiles.
- Alternative B Modified would allocate the upper Pack River to MA1e, devised exclusively for snowmobile use. This would reverse the existing closure in the upper Pack River. Threatened and endangered wildlife species would be harmed to due to the reduction in available security habitat. The allocation of MA1e also closes the door on the possibility of wilderness in the upper Pack River.
- Regulations implementing NEPA provide that agencies must discuss "any adverse environmental effects which cannot be avoided should the proposal be implemented." (40 CFR 1502.16). The FEIS includes a cursory one-paragraph summary of the environmental effects of the action alternatives to the Selkirk IRA, but fails to describe the site-specific effects to the wilderness characteristics.
- The Forest Service states that the Revised LMP is programmatic and not a travel management decision and therefore the plan results in no ill effects to wilderness character and listed wildlife species.

- A critical threshold is reached when the agency proposes to make an "irreversible and irretrievable commitment of the availability of resources" at a particular site. Citing various court cases, the 9th Circuit Court of appeals held that this threshold was met when the FS allocated specific roadless areas to non-wilderness because "[f]uture decisions concerning these areas will be constrained" by RARE II. While the FEIS acknowledges that effects to wilderness characteristics will occur, there is no detailed discussion about how the action will affect the primary attributes of wilderness as described in Section 2(c) of the Wilderness Act.

(#0013, pp. 2-5)

- *Response:*

Areas allocated to "Management Area 1e – Primitive Lands" are areas that have wilderness characteristics and are different from recommended wilderness in MA1b because winter motorized recreation (snowmobiling) and mountain biking are desirable uses and allowed in these areas (FEIS, p. 17). The upper Pack River area has been allocated to MA1e to provide for existing motorized and mechanized uses while protecting wilderness characteristics (Appendix G, p. 373).

In the response to comments (Appendix G, p. 313), the IPNF states that snowmobile opportunities may be limited to protect threatened and endangered species, like the current closure order in place on the Priest Lake, Bonners Ferry, and Sandpoint Ranger Districts. These closures are a result of litigation in 2006 and 2007 and will remain in effect until a separate site-specific analysis regarding necessary protective measures of caribou habitat is complete. This area includes the upper Pack River area. The Revised Plan does not change the current closure or the need to do a site-specific analysis for this particular area (Appendix G, p. 313).

In accordance with 36 CFR 219.17 (1982 Rule) and FSH 1909.12, Ch. 70, IPNF evaluated the Selkirk IRA for recommended wilderness. See FEIS Appendix C, pp. 178-79. In FEIS Appendix G, pp. 373-74, IPNF summarized the following decisions related to the Upper Pack River area: "The Upper Pack River area has been allocated to MA1e [Alternative B] to provide for existing motorized and mechanized uses while protecting wilderness characteristics….Alternative A and C allocated the Upper Pack River area to MA1b. This alternative was considered in selecting the preferred alternative for the FEIS." Thus, IPNF evaluated and considered recommending the Upper Pack River area, but the Responsible Official decided to select Alternative B modified where the area was allocated to MA1e. The Responsible Official has the discretion to make such a decision, though further explanation of the rationale would be helpful. Nonetheless, IPNF completed the requisite hard look at the effects of not selecting the upper Pack River as recommended wilderness.

Site-specific analysis is not required for this type of decision. Thus, the IPNF was appropriate in not completing a site-specific analysis for allocating the upper Pack River to MA1e instead of recommended wilderness.

- *Instructions:*
    - Enhance the documentation in the record to provide a more detailed rationale for deciding not to allocate upper Pack River as recommended wilderness.

- *Objection Issue:*

Objector contends that IPNF's Mallard-Larkins wilderness recommendation boundary omits key wild areas: "The LMP, FEIS and FEIS Appendices come to just the opposite conclusion regarding the recommended wilderness acreage in Mallard-Larkins than does the draft ROD. The appendices note the 1987 recommendation was 76,300 acres and the current is 73,103. These are serious inconsistencies." The objector also contends the Forest Service must change the Idaho Roadless Rule for the entire Mallard-Larkins roadless area so that it is a Wild Land Recreation theme. (#0025, pp. 53-56)

- *Response:*

The IPNF completed the evaluation process for recommended wilderness consistent with FSH 1909.12, Ch. 70. See FEIS Appendix C. Further, the Responsible Official has the discretion to select an alternative that does not recommend all lands identified as suitable for wilderness through this evaluation, as well as to create manageable boundaries for recommended wilderness areas. However, the objector is correct about the apparent inconsistencies in the acreage figures.

Amending the Idaho Roadless Rule is outside the scope of this plan revision and objection process.

- *Instructions:*
    - Include an explanatory table, "Differences in Recommended Wilderness acres for Mallard Larkins" in the FEIS to clarify different acreage figures have been associated with Mallard Larkins at different stages of the plan revision process.
    - Modify FEIS Appendix C (p. 160) to remove "all or" from the statement, "[a]ll three action alternatives recommend all or a portion of this roadless area as recommended wilderness (MA 1b)" (in reference to Mallard Larkins IRA)---none of the alternatives recommend all of the Mallard Larkins IRA as recommended wilderness.

- *Objection Issue:*

The objector is concerned about visitor use group limits (i.e. number of heartbeats) in recommended wilderness and the adverse impacts to large families and groups. The objector is also concerned about maintenance of trails (due to prohibition on chainsaw use for the public), mining rights, and grazing by outfitters. (#0054, p. 11)

- *Response:*

The objector raises four concerns about the Revised Plan's MA1b (Recommended Wilderness) direction, specifically with regard to Mallard Larkins Recommended Wilderness Area. Each of those concerns is addressed in turn below:

1) Party size limits – Objector is concerned about the impacts of party size limits in recommended wilderness. However, IPNF does not have any party size limits for MA1b. See IPNF Revised Plan, p. 48. Only MA1a (Wilderness) has a party size limit. See IPNF Revised

Forest Plan, p. 45 ("MA1a-STD-AR-01**.** Party size shall not exceed 12 people and stock combined (12 total heartbeats").

2) Chainsaw use – Objector is concerned that use of the area will "greatly diminish" if members of the public cannot use chainsaws to clear trails during the summer. In reference to MA1b-GDL-AR-01, IPNF previously stated the following:

   > Hand-held motorized use is only for administrative purposes…. This is not a public use. If designated as wilderness, the Forest Service would stop using chain saws in these areas. FEIS Appendix G, p. 368.

   Consistent with FSM 192303, it is within the discretion of the Responsible Official to make this management decision.

3) Grazing – Objector asserts that outfitters must be able to continue to graze their horses and mules. The Revised Plan, p. 48 states: "MA1b-STD-GRZ-01. Grazing is not allowed." However, as "grazing" is defined in the FEIS (p. 649), this management standard only applies to "the authorized use of standing vegetation on NFS lands for livestock production within permitted grazing allotments." This standard does not apply to outfitters and guides.

4) Mining – Objector is concerned that this recommended wilderness area includes "mining districts." FSH 1909.12, 71.11(4) describes the parameters under which an area with historic or current mining activity may qualify for the inventory of potential wilderness. The Forest's description of Mallard Larkins does not mention any mining activities, existing structures, or equipment. If such mining related improvements do exist, IPNF should address them and explain how this impacted the wilderness evaluation process.

- *Instructions:*
  - Supplement the record as needed to address the objector's mining-related issue in Mallard-Larkins.

Wildlife and Fisheries

Nesting and Denning

- *Objection Issue:*

Regarding Forest-wide desired condition FW-DC-WL-01, the objector contends "We are unaware of any scientific research that validates the inclusion of this blanket assumption for all wildlife. Logically, nesting/denning success would be a better index of the species' tolerance of human use in the area." (#0025, p. 40)

- *Response:*

The desired condition states, "Individual animals that establish nests and den sites near areas of pre-existing human use are assumed to be accepting of that existing level of human use at the time the animals establish occupancy." This assumption is unsubstantiated in the planning record.

- *Instructions:*
    - Review FW-DC-WL-01 and add documentation to support the last sentence of this DC or edit this sentence to remove the unsubstantiated assumption.

- *Objection Issue:*

Regarding Forest-wide desired condition FW-DC-WL-06, the objector contends "The provision directing management to promote large-diameter trees in eagle nesting territories is not based upon any information source from the IPNF that demonstrates its need, or on recommendations of any scientific research on bald eagles, as far as we are aware." (#0025, p. 41)

- *Response:*

The desired condition states, "Large-diameter trees are available within potential bald eagle nesting habitat adjacent to large lakes and major rivers. Forested stands are managed to promote large-diameter trees within eagle nesting territories, especially in the area between the nest site and the adjacent water body."

The FEIS discusses potential bald eagle nesting habitat and coordination efforts with FWS.

> Habitat for bald eagles on the Forest not only involves existing breeding areas (nest territories), but also suitable nesting habitat, and wintering and migration habitat as well. Nesting sites (both current nesting and suitable habitats) are generally located within larger forested areas near large lakes and rivers where nests are usually built in the tallest, oldest, large-diameter trees, primarily along the Kootenai, Clark Fork, and Pend Oreille River corridors and associated lakes and reservoirs. Nesting site selection is dependent upon maximum local food availability and minimum disturbance from human activity (Montana Bald Eagle Working Group 1994). The majority of their diet is comprised of fish. Important prey for bald eagles includes; waterfowl, especially in the winter, salmonids, suckers, whitefish, carrion, and small mammals and birds (MNHP and MFWP 2011).
>
> Nearly all current nests on the Forest are located within one-quarter mile of, and overlook an adjacent water body. The Forest, in concurrence with the FWS, has mapped potential nesting habitat along all major river corridors and has maintained mature trees within those areas for current and future use by bald eagles. Suitable unused nesting habitat for bald eagles remains available throughout portions of the Forest and it is likely they will continue to expand. Both resident and seasonal winter use also occurs on the Forest.

FEIS, p. 298

A recent update of the Montana Bald Eagle Management Plan (1994) includes a list of recommendations for conserving habitat. Included in this list are the following:

> Actively manage forest stands to provide future nesting and foraging sites, and winter roost sites with an emphasis on retaining large trees and snags, and protecting habitat for fisheries, which are an important food source for eagles. (Montana Bald Eagle Working Group. 2010. Montana Bald Eagle Management Guidelines: An Addendum to Montana Bald Eagle Management Plan, 1994, Montana Fish, Wildlife and Parks, Helena, Montana pg. 9)

The Montana Bald Eagle Management Guidelines (MBEMG) and the Montana Bald Eagle Management Plan (MBEMP) are not considered peer-reviewed scientific research but it is unknown if they represent the best available information regarding management for bald eagle on the Idaho Panhandle National Forest.

- *Instructions:*
  - Ensure best available science is referenced.

- *Objection Issue:*

Regarding Forest-wide guideline FW-GDL-WL-20, the objector contends "This Desired Condition states, "(Raptors) that establish nests near pre-existing human activities are assumed to be tolerant of that level of activity." We are unaware of any scientific research that validates the inclusion of this assumption for all raptors. Logically, nesting success would be a better index of a raptor's tolerance of human use in the area. (#0025, p. 43)

The objector also contends, regarding Forest-wide guideline FW-GDL-WL-25, "This Desired Condition states, 'Individual animals that establish nests and den sites near areas of pre-existing human use… are assumed to be accepting…' We are unaware of any scientific research that validates the inclusion of this assumption for the remaining species 'not covered under other forest-wide guidelines.' Logically, denning/nesting success would be a better index of a species' tolerance of human use in the area." (#0025, p. 43)

- *Response:*

The full guidelines read as follows:

> FW-GDL-WL-20. Raptors. Management activities on NFS lands should avoid/minimize disturbance at known active raptor nests, including owls. Timing restrictions and distance buffers should be based on the best available information, as well as site-specific factors (e.g., topography, available habitat, etc.). Birds that establish nests near pre-existing human activities are assumed to be tolerant of that level of activity.
>
> FW-GDL-WL-25. Management activities on NFS lands should avoid/minimize disturbance at known active nesting or denning sites for other sensitive, threatened, or endangered species not covered under other forest-wide guidelines. Use the best available information to set a timeframe and a distance buffer around active nests or dens. Individual animals that establish nests and den sites near

> areas of pre-existing human use, inconsistent with the timeframes and distances in the other forest-wide wildlife guidelines or in the best available information, are assumed to be accepting of that existing higher level of human use at the time the animals established occupancy. In those instances, as long as the individual animals continue to use the site, the higher intensity, duration, and extent of disturbance could continue but would not be increased beyond the level existing at the time the animals established occupancy.

The objector is correct about the assumption stated in these two guidelines. Evidence is not provided to support the guidelines' assumptions.

Regarding the objector's second point about nesting success as a better indicator, territory occupancy is the primary response variable; nesting success is a more variable measure with numerous factors influencing interpretation of productivity. Monitoring should only be required if extensive habitat modifications are occurring that are expected to reduce habitat suitability across the planning unit or if a habitat alteration experiment is being conducted and the ecological responses are being evaluated.

- *Instructions:*
  - Review FW-GDL-WL-20 and FW-GDL-WL-25 and add documentation to support these guidelines or edit them to remove the unsubstantiated assumptions.

General Management Direction

- *Objection Issue:*

Regarding Forest-wide guideline FW-GDL-WL-08, the objector contends "While in some ways the intent of this Guideline may be seen as protecting diversity, its wording can also be read to provide direction to log areas that scientific consensus recognizes as some of the worst places to do so, because of the ecological sensitivity and often rarity of such habitats." (#0025, p. 42)

- *Response:*

The guideline in question reads as follows:

> Maintain unlogged conditions in some portions of areas burned by wildfires for 5 years post-fire. A well distributed diversity of patch sizes and burned conditions, based on fire characteristics and pre-fire forest conditions, should be left to provide habitat for species whose habitat requirements include recently burned forests (black-backed woodpecker, etc.).

The first sentence of the guideline could imply a presumption that burned areas will be logged and does not explain why some portions are to be logged and others not. The last point is the objector's preference for the guideline to be a standard rather than a guideline. The mission of the agency is to sustain the health, diversity, and productivity of forests and grasslands. Fire is a natural disturbance agent. Uncharacteristic wildfire may require management intervention to restore ecological balance to within the historic range of variability. Guidelines remind managers of their NFMA legal requirement to provide for diversity while providing management flexibility

to achieve a balance of meeting multiple objectives. It is management's prerogative to decide which desired ecological conditions are to be standards and which are to be guidelines.

- *Instructions:*
    - Ensure documentation clearly supports the intent of this guideline and make sure the guideline itself is clear.